

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0333-PWS-E TCEQ ID: RN102038924 CASE NO.: 32822
RESPONDENT NAME: Mohammad Amin dba ZP Mart

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: ZP Mart, 18374 Highway 105, Cleveland, Montgomery County</p> <p>TYPE OF OPERATION: Convenience store with a public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;">Respondent: Mr. Mohammad Amin, Owner, ZP Mart, 18374 Highway 105, Cleveland, Texas 77328</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 6, 2006</p> <p>Date of NOE Relating to this Case: February 7, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER.</p> <p>1) Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(5)(A)].</p> <p>2) Failure to protect completed well units with intruder-resistant fences with locked gates or enclosed in locked ventilated well houses. Specifically, the well house was not secured with a lock [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>3) Failure to submit water system plans and specifications prepared by a licensed, professional engineer to the Commission for review and approval [30 TEX. ADMIN. CODE § 290.39(e)(1)].</p> <p>4) Failure to maintain copies of well completion data on file for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].</p> <p>5) Failure to develop an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)].</p>	<p>Total Assessed: \$825</p> <p>Total Deferred: \$165 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$660</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Submitted weekly disinfection residual data for January and February 2007 on March 1, 2007;</p> <p>b. Submitted photos verifying that a lock was placed on the well house surrounding the well on April 18, 2007; and</p> <p>c. Submitted an up-to-date chemical and microbiological monitoring plan on April 18, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Acquire and maintain copies of the well completion data for the groundwater well as long as this well remains in service; and</p> <p>ii. Submit Facility as-built plans, specifications, and engineering reports, including notification of Facility start-up to the Commission.</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	20-Feb-2007	Screening	28-Feb-2007	EPA Due	
	PCW	14-May-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Mohammad Amin dba ZP Mart		
Reg. Ent. Ref. No.	RN102038924		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32822	No. of Violations	5
Docket No.	2007-0333-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$650

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 27% Enhancement **Subtotals 2, 3, & 7** \$175

Notes The penalty enhancement is due to one Notice of Violation (NOV) containing violations that are the same as or similar to the violations in the current enforcement action, one NOV containing dissimilar violations, and one prior administrative order containing a denial of liability.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$91 **0% Enhancement*** **Subtotal 6** \$0
Approx. Cost of Compliance \$2,000 ***Capped at the Total EB \$ Amount**

SUM OF SUBTOTALS 1-7

Final Subtotal \$825

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Adjustment \$0

Final Penalty Amount \$825

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$825

DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

Adjustment -\$165

PAYABLE PENALTY

\$660

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one Notice of Violation (NOV) containing violations that are the same as or similar to the violations in the current enforcement action, one NOV containing dissimilar violations, and one prior administrative order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.110(c)(5)(A)

Violation Description

Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to conduct weekly chlorine residual tests could result in improper disinfection or treatment of water and potentially expose the public to pollutants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended from the date of the investigation, December 6, 2006 to the date of compliance, January 5, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$317

This violation Final Assessed Penalty (adjusted for limits) \$317

Economic Benefit Worksheet

Respondent Mohammad Amln dba ZP Mart
Case ID No. 32822
Reg. Ent. Reference No. RN102038924
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$200	6-Dec-2006	5-Jan-2007	0.1	\$1	\$16	\$17
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The estimated cost to conduct weekly monitoring of the chlorine residual, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance

\$200

TOTAL

\$17

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description Failed to protect completed well units with intruder-resistant fences with locked gates or enclosed in locked, ventilated well houses. Specifically, the well house was not secured with a lock.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to protect well units from trespassers could expose the customers of the water system to a significant amount of pollutants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended from the date of the investigation, December 6, 2006 to the date of screening, February 28, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent Mohammad Amln dba ZP Mart

Case ID No. 32822

Reg. Ent. Reference No. RN102038924

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$100	6-Dec-2006	18-Apr-2007	0.4	\$0	\$2	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to secure the well house with a lock, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1)

Violation Description Failed to submit water system plans and specifications prepared by a licensed, professional engineer to the Commission for review and approval.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

	Falsification				Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirements was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 84 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$45

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent Mohammad Amin dba ZP Mart
Case ID No. 32822
Reg. Ent. Reference No. RN102038924
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$1,000	6-Dec-2006	31-Oct-2007	0.9	\$45	n/a	\$45
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to hire the services of an engineer to prepare "as-built" plans and specifications, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$1,000

TOTAL

\$45

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)

Violation Description Failed to maintain copies of well completion data on file for as long as the well remains in service.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent Mohammad Amin dba ZP Mart

Case ID No. 32822

Reg. Ent. Reference No. RN102038924

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	6-Dec-2006	31-Oct-2007	0.9	\$23	n/a	\$23
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to prepare and maintain a complete set of well completion data documents, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

TOTAL

\$23

Screening Date 28-Feb-2007

Docket No. 2007-0333-PWS-E

PCW

Respondent Mohammad Amin dba ZP Mart

Policy Revision 2 (September 2002)

Case ID No. 32822

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102038924

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to develop an up-to-date chemical and microbiological monitoring plan.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$127

This violation Final Assessed Penalty (adjusted for limits) \$127

Economic Benefit Worksheet

Respondent Mohammad Amln dba ZP Mart
Case ID No. 32822
Reg. Ent. Reference No. RN102038924
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	6-Dec-2006	18-Apr-2007	0.4	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to prepare and maintain an up-to-date chemical and microbiological plan, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator:	CN602504169	AMIN, MOHAMMAD	Classification: AVERAGE	Rating: 16.00
Regulated Entity:	RN102038924	ZP MART	Classification: AVERAGE	Site Rating: 16.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	38845	
	AIR NEW SOURCE PERMITS	PERMIT	47727	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	947727U	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1700725	
Location:	18374 EAST HIGHWAY 105, CLEVELAND, TX, 77328	Rating Date: 9/1/2006	Repeat Violator: NO	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	February 28, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 28, 2002 to February 28, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Anita Keese Phone: (956) 430-6034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? AMIN, MOHAMMAD
4. If Yes, who was/were the prior owner(s)? E - Z INTERNATIONAL INC.
5. When did the change(s) in ownership occur? 03/15/2002

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 12/20/2002 ADMINORDER 2002-0658-PST-E
- Classification: Moderate
- Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
30 TAC Chapter 37, SubChapter I 37.815(b)[G]
- Description: Failure to demonstrate the required financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of USTs.
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- N/A
- | | | |
|---|------------|----------|
| 1 | 07/22/2003 | (134236) |
| 2 | 09/28/2004 | (334728) |
| 3 | 08/30/2005 | (381136) |
| 4 | 02/16/2007 | (532581) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 07/21/2003 (134236)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)
- Description: Failure to perform at least once every seven days, chlorine residual test on water collected from various locations within the distribution system.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)[G]
- Description: Failure to possess a chlorine test kit which uses the DPD method to determine the free chlorine residual at various locations to ensure the proper chlorine residual is being maintained throughout the distribution system.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)

Description: Failure to provide pressure tank with a pressure release device.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure to provide the pressure tank with an easily readable pressure gauge.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to provide a well casing 18 inches above the elevation of the finished floor of the pump house or natural ground surface with a minimum of one inch above the sealing block or pump motor foundation block.
Failure to provide a well casing 18 inches above the elevation of the finished floor of the pump house or
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to provide the well with a screened casing vent, which must face downward and be elevated so as to minimize the drawing of contaminants into the well.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
Description: Failure to provide a suitable sampling tap on the well discharge to facilitate the collection of samples for chemical and bacteriological analysis directly from the well. This tap must be installed prior to disinfection, any treatment and a check valve.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to protect the well unit with an intruder-resistant fence or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(1)
Description: Failure to design and maintain a water distribution system to provide at all points within the distribution network a minimum pressure of 35 pounds per square inch (psi).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)[G]
Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to submit well completion data on the well for our review and approval.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
Description: Failure to meet the minimum pressure tank capacity of 220 gallons.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)[G]
Description: Failure to develop a system monitoring plan that specifies locations where microbial contaminants will be monitored.
Date: 08/30/2005 (381136)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)
Description: 30 Tex. Admin. Code Section 115.246 (4) - Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MOHAMMAD AMIN DBA ZP MART
RN102038924**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0333-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Mohammad Amin dba ZP Mart ("Mr. Amin") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Amin appear before the Commission and together stipulate that:

1. Mr. Amin owns and operates a convenience store with a public water supply at 18374 East Highway 105 in Cleveland, Montgomery County, Texas (the "Facility") that has one service connection and serves approximately 200 people per day for at least 60 days per year.
2. The Commission and Mr. Amin agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Amin is subject to the Commission's jurisdiction.
3. Mr. Amin received notice of the violations alleged in Section II ("Allegations") on or about February 12, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Amin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Hundred Twenty-Five Dollars (\$825) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Amin has paid Six Hundred Sixty Dollars (\$660) of the administrative penalty and One Hundred Sixty-Five Dollars (\$165) is deferred contingent upon Mr. Amin's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Amin fails to timely and

satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Amin to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Mr. Amin have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Mr. Amin has implemented the following corrective measures at the Facility:
 - a. Submitted weekly disinfection residual data for January and February 2007 on March 1, 2007;
 - b. Submitted photos verifying that a lock was placed on the well house surrounding the well on April 18, 2007; and
 - c. Submitted an up-to-date chemical and microbiological monitoring plan on April 18, 2007.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Amin has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As operator of the Facility, Mr. Amin is alleged to have:

1. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(A), as documented during an investigation conducted on December 6, 2006.
2. Failed to protect completed well units with intruder-resistant fences with locked gates or enclosed in locked ventilated well houses, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on December 6, 2006.
3. Failed to submit water system plans and specifications prepared by a licensed, professional engineer to the Commission for review and approval, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1), as documented during an investigation conducted on December 6, 2006.

4. Failed to maintain copies of well completion data on file for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3), as documented during an investigation conducted on December 6, 2006.
5. Failed to develop an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on December 6, 2006.

III. DENIALS

Mr. Amin generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Amin pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Amin's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Mohammad Amin dba ZP Mart, Docket No. 2007-0333-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Amin shall undertake the following technical requirements:

a. Within 60 days after the effective date of this Agreed Order:

- i. Acquire and maintain copies of the well completion data for the groundwater well as long as this well remains in service, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
- ii. Submit Facility as-built plans, specifications, and engineering reports, including notification of Facility start-up to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.39. The start-up notification, plans, and reports shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Amin. Mr. Amin is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Amin shall be made in writing to the Executive Director. Extensions are not effective until Mr. Amin receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Amin in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Amin, or three days after the date on which the Commission mails notice of the Order to Mr. Amin, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

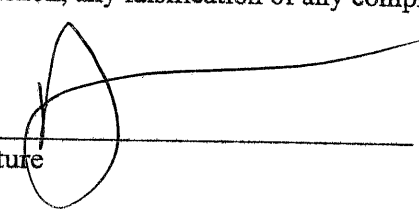
Date 1/29/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date 07/14/07

Mohammad Amin

Name (Printed or typed)
Authorized Representative of
Mohammad Amin dba ZP Mart



Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

THE UNIVERSITY OF CHICAGO

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